

Wednesday, 15th April, 1936

THE  
COUNCIL OF STATE DEBATES

VOLUME I, 1936

*(15th February to 25th April, 1936)*

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ELEVENTH SESSION  
OF THE  
THIRD COUNCIL OF STATE, 1936



PUBLISHED BY MANAGER OF PUBLICATIONS, DELHI  
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI  
1936.

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# COUNCIL OF STATE.

Wednesday, 15th April, 1936.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

## MEMBER SWORN :

The Honourable Kunwar Haji Ismail Ali Khan, O.B.E. (United Provinces : Nominated Non-Official).

## QUESTIONS AND ANSWERS.

### LADY TICKET COLLECTORS, NORTH WESTERN AND EAST INDIAN RAILWAYS.

158. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
(a) Are Government aware that there is racial discrimination in the treatment of Indian lady ticket collectors ?

(b) Are Government aware that European lady ticket collectors are given a superior type of quarters and that Indian lady ticket collectors are given inferior types and sometimes far away from the railway station ?

(c) Is it a fact that European lady ticket collectors are provided with better winter clothing than that of the Indian lady ticket collectors ? Are Government aware that only a thin shawl is given to Indian lady ticket collectors ?

(d) If the replies to (a), (b) and (c) be in the affirmative do Government propose to remove the grievances of Indian lady ticket collectors ?

THE HONOURABLE SIR GUTHRIE RUSSELL : (a) I presume the Honourable Member is referring to the North Western and the East Indian Railways because no Indian lady ticket collectors are employed on the Eastern Bengal, Great Indian Peninsula and Burma Railways. If so, Government are informed that there is no racial discrimination in their treatment on these two railways.

(b) and (c). The reply is in the negative.

(d) Does not arise.

### CALCUTTA-DACCA AIR ROUTE.

159. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
(a) Will Government be pleased to state the reasons why the Dacca-Calcutta air route is being closed both for the carriage of mails and passengers ?

(b) Will Government be pleased to state if there is any possibility of the route being re-opened in the near future for the quick carriage of mails and for the convenience of the passengers wishing to travel by air on that line ?

(c) Is it a fact that the Indian National Airways have stopped the service as it was not a paying concern for them? Was the Government of Bengal making any contribution towards the cost of the carriage of mails between Dacca and Calcutta?

(d) Is it a fact that several representations have been made to lower the rates and fares from Dacca and Calcutta? If so, with what results?

THE HONOURABLE MR. A. G. CLOW : (a) and (b). The air route between Calcutta and Dacca has not been closed and could be used by any air transport company willing to operate a service between the two places. I cannot say whether there is any prospect of a service being provided.

(c) The answer to the first part is in the affirmative and to the second part in the negative.

(d) Government have no information regarding representations made to Indian National Airways. No representations were made to Government.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK : Is it a fact that the Indian National Airways have to pay landing and housing charges for their aircraft operating on this service and also have to pay the road tax on petrol used by them?

THE HONOURABLE MR. A. G. CLOW : I believe they have to pay landing charges and of course they have to buy petrol at a price which includes whatever taxes are imposed on it.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK : Do Government consider that in the present stage of development of civil aviation such charges can be reasonably borne by pioneer companies?

THE HONOURABLE MR. A. G. CLOW : I submit that that asks for an expression of opinion.

#### COST OF PROTECTIVE WORKS TO THE HARDINGE BRIDGE AT SARAGHAT.

160. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (a) Will Government be pleased to state the total cost of repairs of the Hardinge Bridge at Saraghat and who has undertaken the work of repairs?

(b) Has the work been completed? If not, when will it be finished?

(c) Will Government be pleased to state why the bridge was declared unsuitable for traffic so soon after its construction was finished by an expert brought from England? What was the amount spent on that expert by way of pay and allowances for the construction of the Hardinge Bridge?

(d) Is it a fact that the same expert who was in charge of the original construction of the Sara Bridge has been engaged in the repair work of the bridge? If so, why?

(e) Will Government be pleased to state the total cost of construction of the Hardinge Bridge at Saraghat?

(f) Will Government be pleased to state whether the total cost of construction and repair was borne by the Government of India or was any contribution made by the Government of Bengal for these purposes?

(a) If so, what was the ratio between the Government of India's contribution and the Government of Bengal's contribution for the construction of the Sara Bridge? Are the Government of Bengal expected to make any contribution towards the cost of repairs and maintenance? If so, what is the amount of such contribution.

(b) Will Government be pleased to state whether any tenders were called from any other experts and firms and whether quotations were received before finally giving the job to the present expert? If not, why not? If tenders were called for, will Government be pleased to state whether the quotation of the contractor doing the job was the lowest? If not, what was the difference between the lowest tender and the tender of the firm carrying out the repair works and why was the contract not given to the lowest tenderer? What is the name of the firm who quoted the lowest rate?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) No repairs have been required for the Hardinge Bridge itself. The works recently carried out were for the protection of the bridge and will have cost Rs. 163·29 lakhs to the end of the year 1935-36. The works are being carried out by the Eastern Bengal Railway Administration.

(b) No. The Hardinge Bridge Committee consider that some further works will eventually be required, but the date when they will become necessary depends on the movement of the river, which cannot be foretold.

(c) The bridge has not been declared unsuitable for traffic. The further question does not arise.

(d) The officer who was in charge of the construction of the bridge was asked for his opinion on recent developments of the river. He has not been engaged in repair work.

(e) Rs. 3½ crores, including approach lines and river training works.

(f) The whole cost was borne by the Government of India.

(g) Does not arise.

(h) Does not arise.

#### POST OFFICE SAVINGS BANK RULES.

161. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Do the Post Office Savings Bank Rules provide that a maximum sum of Rs. 5,000 may be deposited in the name of a minor?

(b) On the attainment of majority, is the minor compelled to withdraw the whole of the sum deposited in his name and allowed to open a fresh account only with a sum of Rs. 750? If so, will Government be pleased to state the reasons why the whole amount of deposit in a minor's name is not allowed to be redeposited in a fresh account on such minor's attaining legal majority?

(c) Does this Savings Bank Rule cause hardship to many people throughout the whole of India? If so, do they propose to amend the Post Office Savings Bank Rules in this respect?

(d) Under the existing Post Office Savings Bank Rules is a depositor allowed to deposit only Rs. 750 a year?

(c) Are Government aware that in rural areas the Post Office Savings Bank is the only Bank which is relied on by the illiterate masses in the villages? If so, do Government propose to amend the Post Office Savings Bank Rules in such a way as not to put any restrictions on the total deposits in the course of a year?

**THE HONOURABLE MR. A. J. RAISMAN:** (a) A minor can open an account in his own name and, in addition, a separate account may be opened on his behalf by his guardian or any of the persons related to him. The maximum of Rs. 5,000 applies to each of these accounts.

First part of (b) and (d). Yes.

Second part of (b), (c) and (e). The Post Office Savings Bank is intended mainly for the poorer classes for depositing comparatively small sums. When sufficient amounts have accumulated in such accounts the depositor can invest either in post office cash certificates or in ordinary Government securities which can be purchased through the Post Office. The Government do not, therefore, propose to make any change in the existing rules.

#### COPPER ORE IN INDIA.

**162. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH:** (a) Are the best Indian copper mines in the hands of the English concern incorporated in England under the name of the "Indian Copper Corporation"?

(b) Was any opportunity ever given to any Indian concern to convert copper ores into finished metal in India?

(c) If so, what terms or facilities were offered to such Indian company and what was the name of such a company?

**THE HONOURABLE MR. A. G. CLOW:** (a) The output of copper ore in India has recently been derived mainly from the Indian Copper Corporation's mines in the Singhbhum district. I do not feel called upon to express an opinion on the value of the mines.

(b) and (c). I am unable to follow the Honourable Member's question. The conversion of ore into copper is a matter for private enterprise and Government have no orders for smelting to place.

#### DEFINITION OF "PAY" AND "SALARY" UNDER THE CIVIL SERVICE REGULATIONS AND UNDER THE FUNDAMENTAL RULES.

**163. THE HONOURABLE SHAIKH MUSHIR HOSAIN KIDWAI:** Will Government be pleased to state:

(a) Whether under Civil Service Regulations allowances which were of the nature of pay were included in "salary", while under the Fundamental Rules this distinction is abolished and such allowances have been included in pay proper?

(b) Whether an allowance which is reckoned for leave salary, provident fund contribution and gratuity is of the nature of pay? If not, why?

(c) Whether a travelling allowance which is treated like pay is of the nature of pay?

**THE HONOURABLE SIR GUTHRIE RUSSELL:** (a) and (b). In the Civil Service Regulations, "Pay" was defined as "substantive pay" includ~~d~~

technical and overseas allowances, "Salary" included "pay proper" and certain allowances such as acting allowance, charge allowance and duty allowance.

In the Fundamental Rules, the term "salary" has been replaced by "pay". I am not clear what exactly the Honourable Member means by allowances of the nature of pay. It seems to me to beg the question.

(c) Travelling allowances is never treated like pay.

**REDUCTION OF PAY OF GOVERNMENT SERVANTS ON ACCOUNT OF INEFFICIENCY, ETC.**

164. THE HONOURABLE SHAIKH MUSHIR HOSAIN KIDWAI: Will Government be pleased to state:

(a) Whether the pay of an employee under the Government of India cannot be reduced except as punishment?

(b) Whether the pay of a Government servant can also be reduced on abolition of the post?

(c) What are the circumstances in which a post is abolished?

(d) Whether the abolition of a post and its re-creation under a different designation involving no change of duties can lead to reduction in the pay of employees?

(e) Whether on re-creation of the abolished post the old employees cease to earn their privileges of pay and allowances attached to the post abolished?

THE HONOURABLE MR. A. J. RAISMAN: (a) Under the provisions of Fundamental Rule 15 a Government servant's pay can only be reduced on account of inefficiency or misbehaviour or on his written request.

(b), (d) and (e). A change in the designation of a post usually implies the abolition of that post and the creation of a new post which may be on a lower rate of pay. The pay and other terms attaching to the new post accordingly apply to its incumbent.

(c) A post is abolished if it is no longer required or if it is found administratively convenient owing to a change in circumstances or reorganisation of work to abolish it and create a new one in its place.

**REDUCTION OF PAY OF GOVERNMENT SERVANTS ON ACCOUNT OF INEFFICIENCY, ETC.**

165. THE HONOURABLE SHAIKH MUSHIR HOSAIN KIDWAI: Will Government be pleased to state:

(a) Whether a post can be abolished for the purpose of reduction in the emoluments of the Government employees who are otherwise protected by Government Rules?

(b) Is there any statutory protection against the abolition of a post?

THE HONOURABLE MR. A. J. RAISMAN: (a) The Honourable Member's attention is invited to the reply given to question No. 164.

(b) A post can only be abolished by a competent authority.

## TRAVELLING TICKET INSPECTORS, EAST INDIAN RAILWAY.

166. THE HONOURABLE SHAIKH MUSHIR HOSAIN KIDWAI: Will Government be pleased to state :

(a) Whether prior to 1st June, 1931 the travelling ticket inspectors of the East Indian Railway were employed on the following scales of pay under the Accounts Department :

Rs. 60—4—64—8—120

Rs. 130—10—200

Rs. 220—20—300 ?

(b) Were the travelling ticket examiners on the North Western Railway prior to 1st June, 1931 employed on the following scales of pay :

Rs. 50—5—95

Rs. 100—10—180

Rs. 100—10—210 ?

(c) Whether the said employees on both the Railways in question were brought on to new scales of pay on and from 1st June, 1931 ?

(d) Whether the East Indian Railway employees on representation of their case were "*allowed the option of retaining the scale of pay applicable to the former permanent posts held substantively by them with the benefit of increments therein*" ?

(e) Whether later on the North Western Railway employees "*who prior to the 1st June, 1931, held permanent posts as travelling ticket examiners in a substantive capacity were granted the option of retaining the old scale of pay*" ?

(f) Whether the Railway Board granted this concession to the North Western Railway staff "*having regard to the concessions granted in somewhat similar circumstances to similar staff on other State-managed Railways*" ?

(g) Will Government be pleased to state for what reasons the Agent, East Indian Railway, has refused to allow the staff to get an increment beyond Rs. 120 and Rs. 200 ? Has the Agent, North Western Railway, allowed the same staff to go beyond Rs. 95 and Rs. 180 on his Railway ?

THE HONOURABLE SIR GUTHRIE RUSSELL: With your permission, Sir, I propose to reply to questions Nos. 166 and 170 together.

Government have during the last five years, already replied in both Houses of the Legislature to more than 400 questions concerning travelling ticket inspectors, travelling ticket examiners and similar staff on the North Western and East Indian Railways giving detailed information covering almost every aspect of this subject, and I would refer the Honourable Member to these replies.

Government have given the whole subject their very careful consideration and have granted the staff concerned the maxima concessions in pay allowances and prospects that they considered justifiable. Government are not prepared to revise these orders and, in the circumstances, consider that no useful purpose will be served by providing further information on this subject.

**MILEAGE ALLOWANCE ON STATE-MANAGED RAILWAYS.**

167. **THE HONOURABLE SHAIKH MUSHIR HOSAIN KIDWAI :** Will Government be pleased to state, with reference to the reply given by Government in the Legislative Assembly on the 26th September, 1935, to part (b) of starred question No. 741, whether the mileage allowance paid to certain employees on the State Railways in India is treated as pay subject to a maximum of 75 per cent. of pay ?

**THE HONOURABLE SIR GUTHRIE RUSSELL :** Mileage allowance is included in the calculation for leave salary, provident fund, bonus and gratuity subject to the maximum of 75 per cent. of pay.

**DEFINITION OF "PAY" AND "SALARY" UNDER THE CIVIL SERVICE REGULATIONS AND UNDER THE FUNDAMENTAL RULES.**

168. **THE HONOURABLE SHAIKH MUSHIR HOSAIN KIDWAI :** Will Government be pleased to state :

(a) Whether under the Civil Service Regulations allowances which were of the nature of pay were included in "salary", but, under the Fundamental Rules this distinction is abolished and the allowances in question have been included in pay proper ?

(b) Whether mileage allowance which is of the nature of pay comes under pay proper as per above Rules ?

(c) Whether mileage allowance which is of the nature of pay has the same statutory protection as pay as declared by Government in the Assembly on 26th September, 1935.

**THE HONOURABLE SIR GUTHRIE RUSSELL :** (a) The Honourable Member is referred to the reply given to part (a) of his question No. 163.

(b) and (c). No.

**MILEAGE ALLOWANCE ON STATE-MANAGED RAILWAYS.**

169. **THE HONOURABLE SHAIKH MUSHIR HOSAIN KIDWAI :** Will Government be pleased to state :

(a) Whether mileage allowance paid to the staff on State Railways was granted and reckoned as pay up to the extent of 75 per cent. of pay before or after the introduction of the Fundamental Rules ?

(b) If granted after the introduction of the Fundamental Rules, then under what rules it is governed ?

(c) If granted before the introduction of the Fundamental Rules, under what authority is it curtailed ?

**THE HONOURABLE SIR GUTHRIE RUSSELL :** (a) The inclusion of mileage allowance in the calculation of leave salary, provident fund, bonus and gratuity was in force before the introduction of the Fund Rules.

(b) Does not arise.

(c) Under paragraph 362 of the State Railway Open Line Code, Volume II.

MILEAGE ALLOWANCE GRANTED TO TRAVELLING TICKET INSPECTORS,  
EAST INDIAN RAILWAYS.

170. THE HONOURABLE SHAIKH MUSHIR HOSAIN KIDWAI: Will Government be pleased to state:

(a) Whether according to the Rules promulgated in 1927 the travelling ticket inspectors employed under the Accounts Department of the East Indian Railway were promised pay of the Accounts *plus* average mileage allowance on transfer to Operating Department?

(b) Whether contrary to the provisions of the said Rules they were brought on to the new scales of much lower rates of pay and allowances on 1st June, 1931 when they were transferred to the Operating Department?

(c) On representation of their case were they restored to their old rates of pay of the Accounts Department by the Railway Board in December 1932?

(d) So far as allowance was concerned, did the Governor General in Council grant them enhanced rates of consolidated allowance for the fact that they had suffered a heavy drop in their emoluments due to the abolition of mileage allowance?

(See reply to question No. 166.)

GOVERNMENT CARGO SHIPPED ANNUALLY ON THE INDIAN COAST.

171. THE HONOURABLE SIR PHIROZE SETHNA: (a) Will Government be pleased to state the total quantity of the following classes of Government cargo shipped annually on the Indian coast during the last five years?

- (i) Stationery stores.
- (ii) Telegraph stores.
- (iii) Naval, military and marine stores.
- (iv) Railway stores.

(b) Will Government be pleased to lay on the table a statement showing the quantity of each of the above classes of Government cargo shipped in Indian and non-Indian ships respectively on the Indian coast?

(c) Is it a fact that the then Commerce Secretary Mr. (now Sir John) Woodhead stated, in a letter dated the 30th December, 1929 to Mr. Jamnadas Mehta, M.L.A., that "these stores are conveyed by the British India Steam Navigation Company under the terms of an old contract and consequently no opportunity can be given to any other shipping company to quote for the carriage of such stores"?

(d) Will Government be pleased to state the reasons for the continuance of such an agreement with one single non-Indian company in spite of the adoption by the Council of State on the 15th March, 1922 of the Resolution of Sir Lalubhai Samaldas recommending that instructions be issued to the Government Departments to give Indian shipping companies an opportunity of quoting for the carriage of Government and railway materials and to give them preference if their quotation is approximate to that of other companies?

(e) Do Government contemplate to terminate their old agreement with the British India Steam Navigation Company, and to adopt the policy accepted by them in the Council of State in 1922?

THE HONOURABLE MR. T. A. STEWART: Enquiries are being made and necessary information will be laid on the table of the House in due course.

QUOTATIONS FROM INDIAN SHIPPING COMPANIES FOR THE CARRYING OF GOVERNMENT CARGO.

172. THE HONOURABLE SIR PHIROZE SETHNA : Will Government be pleased to state whether, with reference to the answer given by the Honourable Sir Frank Noyce to clause (a) of starred question No. 1267, dated the 1st December, 1933, of Mr. K. C. Neogy, stating that enquiries are being made and the result will be communicated to the House as soon as possible, they have completed their enquiries in regard to quotations from Indian shipping companies for the carriage of Government materials, and, if so, will they be pleased to lay the result on the table of the House ?

THE HONOURABLE MR. A. G. CLOW : The Honourable Member is referred to the information placed on the table of the Legislative Assembly on the 19th July, 1934 in reply to part (a) of starred question No. 1267 asked by Mr. K. C. Neogy on the 1st December, 1933.

RESERVATION BY THE NORTH WESTERN RAILWAY OF TEN POSTS OF ASSISTANT SURGEONS.

173. THE HONOURABLE MR. MAHMOOD SUHRAWARDY : (a) Under the existing orders of Government, have ten posts in the Medical Department of the North Western Railway been reserved for the Anglo-Indian Assistant Surgeons of the Indian Medical Department ? Has this number been exceeded ? If so, do Government propose to ask the North Western Railway authorities to revert those Anglo-Indians who are in excess of the prescribed number ?

(b) Will Government be pleased to state why Assistant Surgeons of the Indian Medical Department are transferred to other Departments ? Is the existing number of Assistant Surgeons in the Indian Medical Department surplus to the actual requirements of the military ? If so, do Government propose to retrain the surplus staff ?

THE HONOURABLE SIR GUTHRIE RUSSELL : (a) Ten posts have been reserved in the Medical Department on the North Western Railway for Assistant Surgeons of the Indian Medical Department. Government are informed that there is a slight excess in the number of Assistant Surgeons of the Indian Medical Department on the North Western Railway at present but it is expected to work it off shortly.

(b) In order to create a war reserve. The existing number of Assistant Surgeons in the Indian Medical Department is not surplus to the actual requirements of the "military" bearing in mind the necessity for maintaining a war reserve.

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STATEMENT LAID ON THE TABLE.

RUNNING OF THE ECLIPSE STAKES IN BOMBAY.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member) : Sir, I lay on the table the information promised in

reply to question No. 72 asked by the Honourable Sir Pheroze Sethna on the 11th March, 1936.

- 
- (a) Yes. The average number of entries is 63.  
 (b) Yes.  
 (c) Yes.  
 (d) Yes.  
 (e) Yes.  
 (f) One mare.
- 

### BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 14th April, 1936, namely:

A Bill to prohibit the making of certain loans and credits; and

A Bill further to extend the operation of the Salt (Additional Import Duty) Act, 1931.

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### CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner of Railways): Sir, I beg to move:

"That this Council do proceed to elect in such manner as may be approved by the Honourable the President, six non-official Members from the Council who shall be required to serve on the Central Advisory Council for Railways."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the Motion which has just been adopted by the Council, I have to announce that nominations for the six non-official Members to be elected to serve on the Central Advisory Council for Railways will be received by the Secretary up to eleven o'clock on Friday, the 17th April, 1936, and the date for the election, if necessary, will be announced later.

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### RESOLUTION *RE* LIMITING HOURS OF WORK IN COAL MINES.

THE HONOURABLE MR. A. G. CLOW (Industries and Labour Secretary): Sir, I move:

"That this Council, having considered the draft Convention limiting hours of work in coal mines, adopted by the Nineteenth Session of the International Labour Conference recommends to the Governor General in Council that he do not ratify the Convention."

I think I can explain this Convention best by referring briefly to its development. It owes its origin to a Resolution passed by the Assembly of the League

-of Nations in 1929, when they suggested that a preparatory technical conference should be convened consisting of the principal coal-producing countries of Europe to discuss what coal questions might be placed before the International Labour Conference. That technical conference met early in 1930 and framed certain proposals for the reduction of hours of work. The conference, I may say, consisted exclusively of European representatives, the representatives of nine European States attending. Those proposals came before the International Labour Conference in 1930 in the form of a Convention applicable to European countries. The European countries failed to agree on the subject and in the result the Convention failed to get a two-thirds majority, so that it was rejected ; but the proposal was put down on the agenda of the Conference for the following year, that is, 1931. In the interval the jurists of the International Labour Organisation came to the conclusion that a Convention of the International Labour Organisation should not be limited to particular countries, that it would have to be universal at least in form ; and so when the Conference of 1931 met it was asked to consider revised proposals which in form were generally applicable to the Member-States throughout the world, but in intention they were still definitely European. I can say that with some confidence as I had the privilege of attending that Conference. That Convention was adopted and it came before this House in 1932, when the House adopted the following Resolution :

“ This Council, having considered the draft Convention limiting hours of work in coal mines adopted at the fifteenth Session of the International Labour Conference, recommends to the Governor General in Council that he should examine the possibility of reducing the statutory limits for hours of work in mines and that the results of this examination should be placed before this Council ”.

In pursuance of that Resolution, the matter was referred to Local Governments, to the interests concerned and to the public. The results were analysed and the conclusions reached by Government were placed before the Legislature in the form of a Bill. That Bill, the Indian Mines (Amendment) Bill, came before this Council about a year ago and was passed into law. It actually came into force in October last and effected important reductions in the hours of work, not merely in coal mines to which this Convention is limited, but in mines generally. It did not of course go as far as the Convention required and consequently that Convention was not ratified.

But if we made some progress in the matter, the countries more directly concerned did not, because the Convention was not ratified by any country, European or non-European, except Spain, a country in which coal mining is of comparatively little importance. In consequence, as the Convention requires that two of the leading European coal-producing countries should ratify it before it takes effect, the Convention never came into effect at all. Looking into the matter it seemed to those in Geneva that the difficulties in the way of ratification related to matters of detail and not to matters of principle and so they started to frame modified proposals ; and the Convention now before the House represents, with very minor alterations, the same Convention as was considered in 1932. The modifications, as I have said, relate solely to matters of detail, and indeed small detail. The modifications of substance are confined to Articles 6 and 8 in Article 6, which relates to the weekly holiday, they inserted a proviso requiring not that the 24 hours rest should all be on a Sunday but that it could overlap on one of the other days so long as 18 hours were on Sunday. The other changes were the insertion of two clauses (in Article 8), which relate to categories of workers whose work is ancillary to the main work of mines and provide for certain relaxations in their case.

[Mr. A. G. Clow.]

As I have indicated, these minor modifications in no way affect the general structure of the Convention and they do nothing to render it more acceptable in India for which indeed, as I have explained, the Convention was really not originally intended. For example, in dealing with holidays, they still insist that the holiday must be on a Sunday, whereas our Mines Act allows the holiday to be on any day of the week. And in dealing with hours, the relaxations do not affect the main class of miners. We are still asked to adopt a 7½-hour day under ground and that is to be worked on a system of calculation—in fact there are two systems of calculation but both of them differ radically from that in the Indian Mines Act. I think the House will agree that as changes in the hours in mines have been introduced less than a year ago, there is now no reason for introducing a further radical alteration, which would probably injure the miners at least as much if not more than the coal-owners.

The Motion was adopted.

## RESOLUTION *RE* MAINTENANCE OF RIGHTS, OLD-AGE AND WIDOWS' AND ORPHANS' INSURANCE.

THE HONOURABLE MR. A. G. CLOW (Industries and Labour Secretary)  
Sir, I move :

“ That this Council having considered the draft Convention concerning the establishment of an international scheme for the maintenance of rights under invalidity, old-age and widows and orphans' insurance, adopted by the Nineteenth Session of the International Labour Conference, recommends to the Governor General in Council that he do not ratify the Convention.”

This Resolution also relates to a matter which is not entirely unfamiliar to the House. The International Labour Conference in 1932 adopted a series of six Conventions which provided a fairly complete scheme for invalidity, old-age and widows' and orphans' insurance. These Conventions covered not merely industry, and other more organised occupations but also covered agriculture. The Conventions came before the House in December, 1933, when the Council adopted the following Resolution :

“ That this Council having considered the draft Conventions and the Recommendation concerning invalidity, old-age and widows' and orphans' insurance, adopted at the Seventeenth Session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the draft Conventions nor accept the Recommendation ”.

Now, these schemes covered by these Conventions were national schemes. Had the Conventions been ratified, they would have involved setting up schemes for India applicable within India. This Convention is in a double sense an international one, because it is designed to secure the co-ordination of national schemes *inter se*. I think I can best explain it by a short quotation from the Report of our Delegates, which is in the hands of Honourable Members, in which they say :

“ ... it was pointed out that in the absence of international arrangements a worker who is employed and is compulsorily insured successively in two or more countries is often unable to fulfil the qualifying conditions required separately by the national schemes. He loses credit for the contributions paid in respect of him in the first country, because he interrupts his insurance, and in the second country he either does not qualify for a pension, or obtains only a small pension corresponding to the time he has worked there. The problem of the removal of these and similar disabilities had already found a partial

solution in many bilateral treaties contracted between countries of emigration and countries of immigration. The Conference held that a complete and satisfactory solution could only be achieved by means of an international Convention. The draft Convention therefore is more or less a generalisation of the characteristic points of the existing bilateral treaties".

I think it will be clear to the House that, as we have no systems to co-ordinate, this Convention does not really concern us, but I might perhaps add that, even if we had a system to co-ordinate with that of other countries, I doubt whether it could concern us. For we are separated by several thousands of miles from any other country that has such a system and we have no immigration from any such country that matters, or emigration to any such country, so that co-ordination between India and the European countries, in the light of whose conditions this Convention has mainly been designed, would have very little meaning.

\*THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Mr. President, I agree with the Honourable Mr. Clow that in the circumstances in which we find ourselves it is not possible for us to ratify this Convention. At the same time I should like to say that in my opinion we should keep in view, as our financial circumstances permit and as conditions improve, the possibility of introducing some of these schemes of invalidity, old-age and widows' and orphans' insurance, particularly in the case of industrial workers. It may not be possible for us to cover all the insurance propositions but some such scheme of national insurance we must, at as early a date as possible, adopt. I quite recognise that at present it is impossible for us to ratify this Convention. I am not thinking of today ; I am thinking of the future. These are all the observations that I have to make on this Resolution.

The Motion was adopted.

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The Council then adjourned till Eleven of the Clock on Friday, the 17th April, 1936.

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\* Not corrected by the Honourable Member.